THE RUTHERFORD STAR.

BE SURE YOU ARE RIGHT AND THEN GO AHEAD.—Davy Crocket.

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THE

RUTHERFORD STAR.

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THE LAST CENSATION NOVEL.

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The Intrepid Lover and the Magic Grocery.

CHAPTER I.

"I'll steal the heart of the old man's darter."
Oldfellow.

A young grocer of good character and correct habits, commenced business in a good and improved neighborhood. His stock was small, as were his means, and his stock of customers still smaller. His sales hardly met his expenses, and he was evidently going "down hill" and an old grocer, on the opposite corner, predicted that he would soon be at the bottom.

The young grocer had reason to regret this opinion of the old grocer, as will appear—The latter had a daughter that had won the heart of the former. He offered himself to her and was rejected. It was done, however, with the assurance that he was the man of her choice, and that she acted in obedience to her father's commands.

Assured of the affections of the woman of his choice, he set himself about removing the obstacle in the way of their union—the father's objection to his pecuniary prospects

CHAPTER II.

"A 'presto change' comes over them both."
[*Deservedly anonymous*

A year elapsed, and lo! what a change! The young grocer was going up hill, with the power of a steam locomotive—customers flocked to his store from all quarters, and even many had left the old established stand on the opposite corner, for the young favorite. There was a mystery about it which puzzled the old grocer sorely, and which he could not unravel. He at length became nearly sick with losses and aggravations and with vain attempts to discover the secret of his neighbor's success.

CHAPTER III.

"I'll relent—come to my arms." (Never written.)

At this juncture, Angelica (for that was the daughter's name) contrived to bring about an apparently accidental interview between the parties. After the old man had become, through the intervention of the daughter, tolerably good humored, he inquired with great earnestness of the young man how he contrived to do so much in a single year, to thus extend his business, and draw off the customers from the older stands?

The young man evaded an answer; but inquired if he had any further objections to his union with Angelica

"None," replied he, "provided you reveal the secret of your success to me"

Thus the young man promised, when his happiness was made complete. The old man commended his prudence on this point. The affair was all settled, and the marriage soon took place

CHAPTER IV.

"A secret—most mysterious."—*Cinder Heelah.*

The friends of the young couple were all assembled, and among them many of the customer's of the two stores. Angelica and Thomas looked as happy and as well as as could be, and the old gentleman was, if possible, happier than they. The wedding cake was [illegible] be cut, when the old man called out for the secret

"Aye, [illegible]—the secret?" exclaimed fifty others

"It is a very simple matter," says Thomas, "I ADVERTISE!"

The old gentleman was a very old-fashioned man and while he shook Thomas heartily by the hand, and kissed Angelica fifty times over, he merely muttered, "Why the dickens didn't I think of that?"

If a horse were in Congress, how would he vote? Neigh!

THE TWO THEORIES

The condition of the seceded States is undoubtedly an anomalous one and very imperfectly understood by our politicians generally

Mr Johnson's theory is that the States were simply in a state of rebellion, and that as a matter of course, their citizens who participated in the rebellion are simply rebels against the United States government, nothing more, nothing less and directly amenable to that government as such; that there being no such thing as secession the States never were out of the Union, and consequently are not out now, and if not out, are entitled to representation in Congress

The radical theory is, that however fallacious the doctrine of secession may be, still the States are out of the Union, and occupy the position of foreign States conquered by the United States and are held now as conquered provinces by the Federal power—Now one or the other of these theories must be right and the other wrong. If the Johnson theory is right, then the actors in the rebellion are subject to trial by jury, and if convicted of high treason are liable to be hung, imprisoned, banished or disfranchised as the government may elect; but as a question of this, the government is still intact, those who are not implicated in the rebellion are citizens of the United States, and entitled to all the immunities and blessings of the government as such without being subject to any prescribed conditions exterior to the organic law of the nation. If however the radical theory is right, then it follows that we are foreign, conquered provinces not in the Union and can only get in or do anything else as permitted by the Congress of the United States; the palliation to the state of things however, is that those who are implicated in the active operations of the war against the government are not rebels, and consequently, not liable to be tried or executed for treason.

Our object in the foregoing is to bring the mind of the reader to contemplate the very absurd and senseless position taken by a very large class of our Southern people. They have unanimously adopted the Johnson theory as the true one, and yet deny one half of it in practice. For instance, they agree that we are in the Union and were never out, and our State convention particularly, at its first session emphatically denounced the secession ordinance as a fallacy and abortion—a creature merely of imagination, never having in the slightest degree affected the status of the State with regard to its relations to the general government—They agree with Johnson, that we never were out of the Union, and of course, being in, are entitled to representation, &c., but what is the remarkable part of it is, they ignore, altogether, the other part of the Johnson theory which makes us rebels.

The Johnson policy is the Union policy, because it makes the Union intact, perfect and unbroken; the radical is the disunion policy, because it rends the Union asunder and makes thirteen of its members foreign dependencies. These Southern people, politicians and papers, who take this position, are half Union and half disunion, half conservative and half radical, neither pig nor puppy, half and half, running with the hare and holding with the hounds. Nearly every Southern journal that comes to our table takes, identically the, the position above described; they are with Andy Johnson, as to the identity of the government and our claims to representation in Congress, but with the radicals on the subject of the treasonable guilt or innocence of our people.—Now one honest, straight-out way to act on such questions, is either to be a pig or a puppy—take Johnson's prog a mile through or put a flat acknowledge ourselves rebels and amenable to the law as traitors; or be all dog with the radicals, by claiming that we are foreigners, inhabiting foreign States and not liable to indictment for treason. Be honest, gentlemen, and be one thing or the other. While you claim to be Johnson men and deny one half of his theory, nobody will believe your professions to be sincere. For a public man to say that he is for Johnson policy in one breath, and in the next avow that he will never submit to any proposition that looks to the disfranchisement of any portion of our citizens, is simply to give the lie to his own assertions.—*Newbern Times*

"I'm afraid you'll come to want," said an old lady to a young gentleman. "I have come to want already," the reply. "I want your daughter."

"I'm tarnation angry with you Zekiel, for stealing them three kisses from me t other night" said Rebecca to her sweetheart.—"Ah," says Zekey, "I have been precious unhappy in my conscience ever since, and I'm come now for the identical purpose of giving every one on 'em back again."

Slight changes make great differences. "Dinner for nothing" is very good fun, but you can't say as much of "nothing for dinner."

Come out here and I'll lick the whole of you, as the boy said, when he seen a bottle full of sugar sticks in a shop window.

If you bite a man's nose off, what are you by law to do? Keep the piece.

POETICAL.

WHEN GREEN LEAVES COME AGAIN

When green leaves come again, my love,
When green leaves come again—
Why put on such a cloudy face,
When green leaves come again?

"Ah, this spring will be like the last,
Of promise false and vain;
And summer die in winter's arms
Ere green leaves come again.

"So slip the seasons—and our lives:
'Tis idle to complain;
But yet I sigh, I scarce know why,
When green leaves comes again."

"So slip the seasons—and our lives:
'Tis idle to complain;
But yet I sigh, I scarce know why,
When green leaves come again."

Nay, lift up thankful eyes, my sweet!
Count equal loss, and gain,
Because as long as the world lasts—
Green leaves will come again!

For sure as earth lives under snows,
And love lives under pain,
'Tis good to sing with everything—
"When green leaves come again!"

☞ Boy with ragged trowsers and tinless chip hat runs into Dr. Scarr's drug store with a dipper in his hand. "Doctor, mam sent me to the shoticary pop quicker'n blazes, cos bub's sick with the picken chox, and she wants a thimbleful of pody gollic in this din nipper, cos we hain't but a gottle, and the cust pup's got the blue witters in't—Got any?"

A woman in Ohio, put her baby into the washingtub, and its dirty frock and petticoat into the cradle and set her little boy to rock it. She did not discover her mistake until the baby cried out when she pinned its left leg to the line as she hung it out in the yard to dry.

Logs.—The printer of the "Western Gazette" lately published the following notice: "Dry stove-wood wanted immediately at this office in exchange for papers. N. B. Don't bring logs that the *devil* can't split.

RADICALISM.

Politicians in this country have been mad for ten or fifteen years, and radicalism, both North and South, has ruled the hour. At no time since the last reign of conservative Whig principles under the wise, national and statesmanlike Administration of MILLARD FILLMORE, has the country been free from the exciting, withering effects of radicalism.

The man who goes for radical Southern ideas is just as much a radical as he who goes for radical Northern ideas, and just as dangerous to the perpetuity of a Government framed upon the principles that ours is. The radicalism of the South would wrest from the General Government all power, leaving it, through the representative and emboldment of the power of thirty-six States, inferior in fact to the weakest and meanest one of the whole; while the radicalism of the North would consolidate all power and might and wisdom in the central Government.

The General Government, it is true, was created by the original thirteen States, but there has not been a moment since that compact was ratified, that a citizen could travel abroad and claim protection under any but the national flag; hence our first allegiance has always been due to the General Government. There might have been some reason ninety years ago for ex rebels to have claimed the first allegiance for the States on the score of their superior creative power, but certainly such reason cannot exist now; for since that time the General Government has given birth to no less than twenty three young States that never had any hand in creating the parent, and she is still pregnant and laboring to be delivered of some half dozen more. Still the States have certain rights which must be reserved and secured to them or the whole genius of the Government will be changed, or, in other words, destroyed, and an entirely new one set up in its stead. To prevent these radical changes and to preserve the heritage of our fathers, we must put moderate, sober men at the helm of State.—*Newbern Times*

In Love.—An editor out west has fallen in love. Just hear what he says:

"We love to see the blooming rose, in all its beauty dressed; we love to hear our friends disclose the emotions of the breast. We love to see the cars arrive, well laden, at our door: we love to see our neighbors thrive and love to bless the poor. We love to see domestic life's uninterrupted joys; we love to see a happy wife with lots of girls and boys. We love all these yet, far above all that we ever said we love—what every printer loves—to have subscriptions paid. Advertising and job work too.

AN ORDINANCE

Submitting to the Qualified Voters of the State the Ratification or Rejection of the Constitution adopted by the Convention.

Section 1. *Be it ordained by the people of North Carolina, in Convention assembled* That the Constitution of the State, adopted by this Convention, be submitted, by the Governor, to the people on the first Thursday of August next, thirty days notice having been given; and that the polls be opened by the respective Sheriffs, and be kept open for three successive days, at the several election precincts in each and every County in the State, under the same rules and regulations as now exist for the election of members of the General Assembly: That the said Sheriffs be required to compare and certify the results of the election on or before the Thursday following, and transmit the same in twenty days thereafter to the Governor of the State; that all persons qualified to vote for members of the General Assembly may vote for or against the ratification of the same; those who wish a ratification of the Constitution voting with a printed or written ticket "Ratification." those of a contrary opinion "Rejection;" it shall be the duty of the Sheriffs to make duplicate statements of the polls in their respective counties, sworn before the Clerk of the County Court; one copy of which shall be deposited in said Clerk's office, and the other copy transmitted to the Governor of the State at Raleigh.

Sec. 2. Be it further ordained, That when the returns aforesaid shall have been received the same shall be opened by the Governor, in the presence of the Secretary of State and Treasurer, and in case a majority of the voters polled shall be in favor of a ratification of the Constitution, the same shall forthwith made known by a proclamation of the Governor to the people of the State, and thereupon the Governor shall cause to be endorsed on the Constitution as enrolled by order of the Convention, or shall annex thereto a certificate, under his signature, declaring that the said Constitution has been ratified by the people of North Carolina; and the Secretary of State shall countersign the said certificate, and annex thereto the great seal of the State and the Constitution so enrolled, with the certificate aforesaid, shall be forever kept among the archives of the State, in the office of the Secretary aforesaid.

Sec. 3. Be it further ordained, That the Constitution, thus ratified, shall take effect and be in force from and after the proclamation of the ratification thereof: *provided however*, That the officers holding office under the State shall severally continue to exercise their respective functions until their places shall be filled by the Constitution as ratified.

[Ratified in Convention this 25th day of June, A. D., one thousand eight hundred and sixty-six.]

EDWIN G. READE, *President.*
James H Moore, *Secretary of the Convention.*
R. C. Badger, *Assistant Secretary.*

HARRY'S SERMON.

Eddie, said Harry, let's go to church, and I'll be the minister, and preach you a sermon.

Well, said Eddie, and I'll be the peoples.

So Harry led him away, and they went up stairs together. An set an old fire screen in front of him, by way of a pulpit, and thus began; My text is a very short and easy one: Be kind.

First. Be kind to papa and don't make a noise when he has the headache. I don't believe you know what a headache is, but I do. I had one once, and I didn't want to hear any one speak a word.

Secondly. Be kind to mama, and don't make her tell you to do a thing more than once. It is very tiresome to say: It is time to go to bed, half dozen times over.

Thirdly. Be kind to the baby.

You have left out, be kind to Harry, interrupted Eddie.

Yes, said Harry; I didn't mean to mention my own name in my sermon. I was saying, be kind to little Minnie, and let her have your red soldier to play with when she wants it.

Fourthly. Be kind to Jane, and don't scream and kick when she washes and dresses you.

Here Eddie looked a little ashamed, and said: But she pulled my hair with the comb.

Fifthly. Be kind to Kitty. Do what will make her purr, and don't make her cry.

Isn't the sermon most done? asked Eddie; I want to sing; and without waiting for Harry to finish his discourse, or give out a hymn, he began to sing, and so Harry had to stop; but it was a very good sermon. Don't you think so?

AN ORDINANCE,

To change the time of Elections in North-Carolina and for other purposes.

Section 1. *Be it ordained by Delegates of the people of North-Carolina in Convention Assembled*, That all elections for Governor of the State of North Carolina, members of the General Assembly, and all other elections, now required by law to be held on the first Thursday in August, shall hereafter be held on the third Thursday in October, under the same rules, regulations and restrictions, as are now prescribed by law.

sec. 2. That hereafter, until the first session of the General Assembly after the year 1871, the Houses of Commons shall be composed of members elected from the counties in the following manner, viz: The counties of Allegany, Brunswick, Camden, Cherokee, Clay, Cowan, Currituck, Gates, Greene, Hertford, Hyde, Jackson, Jones, Duplin, Lenoir, Onslow, Pasquotank, Perquimas, Polk, Richmond, Tyrrell, Warren, Washington, Watauga, Yancey, Henderson, Transylvania, Alamance, Alexander, Anson, Ashe, Beaufort, Bertie, Bladen, Burke, Cabarrus, Caldwell, Carteret, Caswell, Columbus, Davie, Edgecombe, Franklin, Gaston, Halifax, Harnett, Haywood, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash, Northampton, Person, Pitt, Stanly, Stokes, Wilson, and Mitchell, shall, elect one member each. The counties of Buncombe, Catawba, Cleveland, Craven, Cumberland, Forsyth, Granville, Iredell, Johnston, Mecklenburg, Moore, Robeson, New-Hanover, Rockingham, Rowan, Rutherford, Sampson, Surry, Union, Wayne, Yadkin, Chatam, Davidson, Orange and Wilkes, shall elect two members each. The counties of Wake, Randolph and Guilford, shall elect three members each.

sec. 3. That all laws in contravention of this ordinance, be and they are hereby repeated; *Provided nevertheless*, that in case the Constitution be not ratified by the people, this ordinance shall have no effect, except that the elections shall be held at the time designated, and shall be held under the law as it existed in the year 1861, save that the County of Harnett may vote for a member as heretofore provided.

sec. 4 Be it further ordained, That nothing in this ordinance contained shall be so construed as to restrict the General Assembly hereafter from regulating the time of holding said elections.

Ratified in Convention the 20th day of June, A. D., 1866.

E. G. READE, President.
JAMES H MOORE, Secretary.
R. C. BADGER, Assistant Secretary,

☞A letter has been received in Washington from Major General Magruder, late of the Confederate army, asking a friend to intercede with the United State Government in his behalf. Writing from the city of Mexico, Magruder says: "I want permission to return to the United States. The Imperial Government has gone to hell, and has no money, and we have to get away from here. Many have already left. General Price, myself and a few others, yet remain, but we must look out for some place to go to. There is no hope for anything more here."

☞Lt. Gen. Grant has issued an order, directing all Department, District and Post Commanders, in the States lately insurgent, to arrest all persons who have been, or may hereafter be, charged with the commission of crimes and offences, against officers, agents, citizens and inhabitants of the United States, irrespective of color, in cases where the civil authorities have failed or neglected, or are unable, to arrest and bring such parties to trial,—and to detain them in millitary confinement, until such time as a proper judicial tribunal may be ready and willing to try them.

Every art is best taught by example; good deeds are productive of good friends.

THE STAR.

J. B. CARPENTER, R. W. LOGAN, } Editors.

WEDNESDAY, JULY 25 1866

There will be an election held on the 1st Thursday in Aug. next, for the purpose of ratifying or rejecting the Constitution, as amended by the late Convention.

The Wilson *Carolinian* of the 14th inst., comes out in anarticle, on the ensuing Gubernatorial campaign in which it seems to be deeply concerned about the re-election of Gov. Worth, and in which it takes great pains to identify Johnathan Worth and his followers with President Johnson, while on the other hand it goes on to vilify, abuse, misrepresent, and identify the *true* Union men of the State with Thad. Stephens and his *radical* coadjutors. Hear what it says:

"We regret to see a disposition manifested in various portions of the State to bring out opposition to Governor Worth, in the pending Gubernatorial election, but especially do we regret to see this desire exhibited by those who advocated his preferment last Summer."

There is no doubt in our minds but the *Carolinian* and its friends regret very much the manifested opposition to Gov. Worth, and more especially at this particular time, and they also regret, that the men who advocated his election last summer are disposed to oppose him now. Who are these men who advocated his preferment last summer, that the *Carolinian* regrets to see opposing the Governor? The true Union did not support him, therefore it cannot be them? Who are they? They must be his secession supporters, the Ransom men, who brought him out and made a tool of him last summer for the purpose of organizing the corrupt secession party and to defeat the true Union men of the State. We suppose the *Carolinian* is sorry for this manifested opposition to the Governor. It does not think like the Ransom men, that, the party is strong enough to elect a man of their own stripe at this time, hence its devotion to "Johnathan, the betrayer." Under these circumstances it is anxious to keep on the good side of the Worth faction so as to build up the old and corrupt secession party sufficiently to stand the next campaign.

Whenever these pretended admirers of Gov. Worth see that there is a chance for them to stand alone, and elect who they please, they will say good-bye Johnathan, we have no further use for you, Mat. Ransom is the man now, or some other good secessionist. Again the *Carolinian* says:

"It is now decided that he will have opposition. The "straitest sect," better denominated Radicals, propose a convention, to be soon holden, for the selection of a candidate to oppose him. They have determined to revive the fell spirit of party, and to enter upon an unholy crusade for office at the expence of our quiet and prosperity. In view of this fact, we hope that no third candidate will be presented for the suffrages of the voters of the State. Just now do we need concord and unity."

Here it denominates the true Union men of the country as *radicals*. Will the *Carolinian* define the word radical, and tell us wherein the Union men of this State are, or have been *radicals*? If our memory serve us right *radical* means *extreme*, therefore one who advocates an extreme measure, is a *radical*. Let us see then who are the radicals of our State at this time. Are they the true Union men, or the secessionists and pretended supporters of Andrew Johnson? Who of these men have been the most extreme, and advocated the most extreme measures? Was not the doctrine of secession extreme in every sense of the word? Then were not the men who supported this measure extreme men?

Was not the withdrawal of North Carolina from the United States against the will of her people an extreme measure? If so the supporters of this measures must have been extreme also.

Were not the Conscript law, the Tythes infi law, the Act suspending the writ of *Habeas Corpus* and the forcing of men to fight in an unjust, cause, and against their principles, all extreme to the highest degree? Then who were the extreme men? The supporters of these measures? On the other hand if it was extreme to oppose all these measures, the Union men were the extreme men.

Then we ask if radical means extreme, who are the radicals? Are not the secessionists the men who did all in their power to destroy the best government the world ever knew, the men who stood out to the last for the so-called Confederacy, and advocated the slaughter of thousands of our best, and most promising young men, (for in advocating carrying on the war when they knew that there was not a vestige of hope for success, they advocated *murder*,) are not these men who have caused so much suffering among the people, the cause of so many widows and orphans, who are depending upon the public for their support, the cause of the numberless crippled and maimed soldiers distributed throughout the State, many of whom are ruined forever, we ask if these men are not the *radicals* of our State? If not we must confess we do not understand the definition of the word—How can these men who have been guilty of so many of the greatest national sins, and crimes, have the face to come fotward and attempt to teach an honest people. If we were in their shoes, we would fain show our faces in a respectable crowd, but it seems the blacker the crimes and the more of them, the more brazen they become.

"Just now do we need concord and unity." Behold the language! Consider from whence it cometh! Who are they that have become so willing that all should think and act alike? Verily the *Carolinian* is convinced of its wrong.

What did we need last summer? What have we needed from the time of Gen. Joe Johnson's surrender up to the present? Did we not need "concord and unity" last summer? Why did you not cry out "concord and unity" last summer and try to prevent opposition to Gov. Holden? Did we not need it as much then as we do now? Did we not need it worse? Do you not conscientiously believe if Gov. Holden had been elected without opposition we would have been much better off this day?

Nay, verily, Gov. Holden was not the man to be voted for by the secession party. He would not betray his friends and the true Union men of his State. He would not agree to be made a tool of for the purpose of up raising the corrupt secession party, and to defeat and break down the Union party, therefore we did not need "concord and unity" then.

But Jonathan Worth is the man. He would betray his friends and party, give his whole aid to revive the unprincipled, and blood-thirsty secessionists, break down his friends the [the Union men] or do even worse for the sake of *office*. And now as the time draws near for another election, in which Gov. Worth is deeply concerned with his brother secessionists, the *Carolinian* suddendiscovers that "concord and unity" is the "one thing needful," "Jonnathan the betrayer" in office battling for a thing that he has not sufficiently accomplished, viz, the resurrection of the secession party. Now under these circumstances the *Carolinian* thinks we should have "concord and unity" and that all should unite to overthrow the Union party. "Listen while they sing.

"It is especially desirable that all the friends of the President, shall be found battling in the same ranks for the principles he enunciates. If there be discord and distraction among them they may fail of success, and permit the state government to pass into the hands of those who hate them with hearty hatred."

See how they are trying to get on the back of the President to ride into *office*. Before we go further let us see who are the friends of President Johnson. His friends are his supporters, and therefore those who refuse to support him in his plans must be his enemies.

Are Gov. Worth and his coadjutors the President's friends? we will see, the first opportunity afforded them to avow publicly their devotions for the President and prove them by their acts, was in the convention, called by the President, through Gov. Holden, for the purpose of devising means by which to secure our admittance to the Union, what did they do? They were called upon by the President to declare the ordinance of secession, passed in *May*, 1861, null and void, did they do this? Look at the record and see if you do not find Manly, Clarke, *Howard*, FereDee, and others voting against this measure; again, they were called upon to repudiate the Confederate war debt, how did they vote on this? the same way as before in direct opposition to the wishes of the President.

These same men were instrumental in bringing out Jonathan Worth and electing him Governor contrary to the wishes of the President Johnson, but still they are the only friends the President has, how can this be, that the men who have opposed him in many of his most important measures are his friends, and the men who supported him, his ememies. Is it strange logic, and we would like to hear the *Carolinian* explain it

Again it says:

"In connection with the Governorship the names of Gen. Matt. W. Ransom, of Northampton, and Geo. W. Logan, of Rutherford, have been mentioned. Of *Mr.* Logan it is sufficient to say that he is a man of but ordinary capacity, of much demagoguism, and a follower of W. W. Holden, to inform our readers, that under no circumstances could we support him."

This lame attack upon Gen. Logan is of but little importance, and is scarcely worth the notice of a true Union man. However, it is false and of no effect. Gen. Logan has a record that will show for itself, and which he is not ashamed of. He has ever been found battling for the good of his constituents and the people at large. If the *Carolinian* wishes to attack him any more, we only request it to go to his record and approach him with the *truth*, and not dwell blindly upon falsehoods

Before we close, we wish to propound a question or two, which we want you to answer candidly, no whipping the devil round the stump, but come out like gentlemen and answer according to your conscience,

If Gov. Worth and Gen. Ransom are both candidates for Governor, will you not vote for Ransom? "Honor bright." If Gen. Ransom or any other good secessionists should run would you not vote for either in preference to Jonathan *Worth* or any other Union man? Answer these questions and we will close for the present.

According to previous notice a large number of the citizens of this county were present on last Monday to hear the remarks of Col. Harris and Gen. Logan, the pinciple subject being the new Constitution.

They were addressed at some length in turn by the two above named gentlemen.—The Constitution was taken up and fully explained to the people, and we believe met the approval of all present.

So far we have heard no one say he was going to oppose the ratification of this important document, and we feel satisfied that the people will vote unanimously to ratify, we hope the whole west will do likewise, no true man to his sectional rights and interest will vote to reject. The east will vote largely to reject but the west is largely in the majority and while she stands up to the rack there is no danger.

The weather has been exceedingly warm and dry for some four or five weeks, and although we have had several refreshing showers of late, some parts of the county, are very much in need of rain. It is thought by many of our best farmers that the corn crops are so injured by the drouth that they will not yield more than a half crop

The Thermometer has been standing above 90° for near three weeks.

We have received the August number of Arthur's Home *Magazine*. It is, as ever, filled with fine literary reading and many useful family receipts This Journal has always exhibited superior taste and refinement in all its selections and original romances, and is worthy of the perusal of all.

Our friends of the Asheville *News* have taken some pains in one of their late issues to refer to us the "Star," to which we wish to make some references. However, for reasons unavoidable, we are under the necessity of putting it off at this time, but we will dispose of them in the future.

The Captains of each militia company in this county are requested to report to L. P. Erwin at Rutherfordton the names of the destitute widows of soldiers, a so the names of destitute maimed soldiers, in order that he may be enabled to make a proper distribution of the funds placed in his hands for their relief.

AN OTHER NEW PAPER.—*Messrs.* Hayden & Nelson have commenced the publication of the *Cleavland Argus*, in the town of Shelby The name of G. W. Whitfield is annexed as editor The *Argus* is in enterprising hands and we wish it much success. We are ever glad to see the press prosper.

For the Star

MESSRS. EDITORS.—It has been my desire to say through your valuable paper what I thought was the duty of the conservative Union party in the coming election

The course to be pursued by the party, in my judgment is a very plain one. If they desire to restore the country and then preserve it, they must put these traitors down in any and every way they can. Is it not known that many of these men refused to take the "Amnesty oath," but as soon as they were told that the policy was to take it, they were the first men to present themselves for that purpose, the point was to enable themselves to vote, so they could elect their men and rule. They would rather rule in hell than be governed in Heaven.

These *traitors* are endeavoring to organize and whenever they can, they will get some lence man, some man that is willing to act the traitor to his party and his country for office as Jonathan Worth has done, with which they may be able to deceive a portion of the honest people. I trust the people will look well to their future interest and spare no pains, trouble or expense to inform themselves; go to the Union meetings and hear these distroyers of our country exposed and held up in their true light, they are responcible for all our losses, they voted for secession, peaceable secession, they voted for the men that passed all those odious laws, such as the conscript law, the impressment law, and the tytheing law, they are responsible for your little seventeen year old children having to go to the slaughter pen, they are responsible also for your grayheaded fathers having to go to the front, after having taken all the sons above the age of seventeen, then call for the father to go and defend what? Not the stars and stripes, but to perform an impossibility, tear down the stars and stripes, *flag* of America, the honored *flag* of the world, thank God, it yet waves over the land of the free and the home of the brave. Will the loyal Union people of this State lie supinely upon their backs and hug the delusive fanthoms of hope, suppose for one minute that those men who did all they could to break up this great Government can or will have any influence in bringing about restoration except by and through a loyal Union man, such men have no influence they have no power, they are not to be respected and if they are candidates for office they should be hissed from the canvass, such men are generally loud in their admiration of President Johnson, such men are not his true friends, they profess one thing and practice another. President Johnson said in one of his speeches that if there was but five thousand loyal men in this or any other Southern State they should rule it, this principle is right and we shall never make any progress in reconstruction until the people shall elect loyal Union men to office, it is a marked piece of impudence for a man who has been voluntarily engaged during the war to dissolve the Union to offer himself for office, only one thing can result from his election, that is he will retard restoration. We have the evidence of this in the election of Jonathan Worth, Governor of this State, Josiah Turner and others of this State to the Congress of the United States, they have not been admitted to their seats and never will be, and that is not all, this and other acts of the secessionists and latter day war men have kept this State out of the Union for months passed, and still stand in the way, it is not doubted that if all our members elect to Congress could have taken the prescribed oath, we would at this moment have been enjoying our return to the Union; another evidence of this fact is that a number of this class of men was elected and took their seats as delegates in the late Convention, and they did not one solitary thing calculated to restore the Union. I refer the reader to the proceeding of the Convention for proof of my assertions, they done much to retard our return to the Union, and the *Sentinel* praised all they did and said against the Union men, and the measures proposed by them. The *Sentinel* comes out loud and long for President Johnson, but whenever these secessionists would make a speech or cast a vote that was calculated to retard or prevent the Presidents plan of reconstruction from being carried out, it would endorse the man that did it.

The *Sentinel* is acting the hypocrit, it has much praise for President Johnson, but it supports every man that opposes his plan and measures, if the *Sentinel* is in earnest in supporting President Johnson why did it not assail Messrs. Ferebee, Eaton, Manly, Clark and others who voted against the Ordinance recognizing the just debts of North Carolina and prohibiting the payment of all public debts created or incurred in aid of the the late rebellion.

If the *Sentinel* is truly a Union sheet, why does it not come out for the true Union men and support them for all the offices within the gift of the people. The sin of a hypocrit is great.

Is it necessary to call the attention of the people to the fact that these men are not to be trusted, why should the people trust them again, did they not have control of affairs and bring on the late war, did they not carry out their motto rule or ruin, and they have not only ruined themselves but they have ruined every one else, and by the help of Mr. *Worth* these traitors intend to get possession of all the State offices and then we are to be ruined over again. Suppose Mr Worth has been a good Union man and has turned traitor, is not this a sufficient reason why the conservatives should refuse to support him for office.

If Mr. Worth is a conservative why does he keep the company he does? Why does he make his appointments from the ranks of the traitors? Why does he not make *all* his appointments from the ranks of the true Union men of the State? If he will change his course in these respects, conservatives will support him, but lo! and behold he has sold himself and principles for office.

CLEMENT.

GENERAL NEWS ITEMS

☞ The Legislature of New Hampshire has ratified the new Constitutional amendment.

— Accounts from *Mexico* represent that the people are rising in favor of the Liberal cause.

MEMPHIS, TENN., July 13.—Alonzo Greenlow and A. P. Taylor fought a duel to-day, the latter being killed at the first fire.

☞ Senator Lane, better known in the annals of the country as Jim Lane, of Kansas, attempted to commit suicide on the night of the 1st inst.

☞ About seventy-five preachers in Missouri have been put in prison for refusing to take an oath prescribed by the new Constitution.

☞ During a heavy thunderstorm in Shelby county, Ill., the lightening struck a tree and killed twenty hogs which were lying underneath.

—The House of the Tennessee Legislature has ordered the Speaker to issue warrants for arresting and bringing before the bar of the House nine refractory members.

—A severe storm in Ohio, followed by cold weather, has played havoc with the sheep. Three thousand are said to have perished in two townships near Cleveland.

☞ At a negro celebration in Danville on the 4th, one of the "sable citizens" announced that the occasion which called them together was to celebrate General Washington's birthday.

☞ The Raleigh National Bank has declared a dividend of twelve per cent. out of the profits of its business from the 3d day of October to the 30th of June.

In the pocket of a negro arrested at Augusta, Ga, was found a human finger, dried and enveloped in roots and herbs. He begged to retain the talisman, as "without his conjur bone he couldn't never do nuffin more."

☞ Last week four ships arrived at New York from Liverpool, bringing nearly 2,000 Mormons. They were sent over by Brigham, the younger, who has opened a passenger broker's office in Liverpool.

☞ A late Mobile letter reports that the fine weather has given an impetus to the young cotton in that State, and the hope is expressed that the yield of Alabama will not be less than three hundred thousand bales.

☞ An organization of counterfeiters, reaching from the St. Lawrence to the Rocky Mountains, has been disclosed by the arrest of parties in Kansas, which is said to have issued spurious bills to the amount of one and a quarter millions of dollars.

☞ A great dinner was recently given by the Chinamen in San Francisco to Anson Burlingame, our *Minister* to China, and Gen. Van Valkenburg, our Minister to Japan.—Among the items of the bill of fare was "bird's nest chowder."

☞ Post Master General Dennison has resigned his position in the Cabinet, upon the grounds that he cannot endorse the Philadelphia Convention, and does not endorse Congress and the Constitutional amendment.

There are rumors of the resignation of secretaries Stanton, Harlan and Attorney General Speed.—*Standard.*

HILLSBORO, July 13.—At a meeting of the Directors of the North Carolina Railroad Company held this day, the following gentlemen were elected officers of the Company for the ensuing year:

Thomas Webb, President; P. B. Ruffin, Treasurer; E. Wilkes, Superintendent; F. A Stagg, Secretary.

WASHINGTON, July 14.—Attorney-General Speed has resigned. Judge Stanberry, of Ohio, or Mr. Browning, of Illinois, will be his successor. The resignation of Harlan is an event to be daily expected.

Although the Republican caucus Saturday night voted to adjourn 23d inst., it is believed the session will be prolonged until August 1st.

On the Fouth, at Hartford, a daughter of Professor and Harriet Beecher Stowe was shot by some unknown boy. The ball passed between the two bones of the forearm, severing a nerve in its way

☞ After many weeks of painful illness, and great physical prostration, in which it was well known to his family that his mind occasionally and temporarily wandered, Joseph H Pool committed suicide at his home, in Elizabeth City, on the 15th of June.—*Biblical Recorder*

☞ Latest advices from the Rio Grande reports the whole western bank of that river, including the city of Matamoras, in the hands of the Liberals —Matmoras having capitulated on the 23d ult.

DELINQUENT POSTMASTERS IN THE SOUTH TO BE SUED.—The Post master General has instituted suits against a number of delinquent postmasters in the Southern States for balance due at the close of the war. We learned that all of this class are to be prosecuted.

☞ Twenty or thirty Yankee soldiers celebrated the Fourth in Fredricksburg by geting drunk, forcibly seizing a lot of beer from a brewer "to keep it with," ringing the court house bell to the alarm of the public, and committing a number of depredations in the clerk's office.

☞ The Salisbury *Banner* says that Andrew Mowery, a citizen of that place committed suicide Tuesday last, by taking arsenic. He had made previous attempts to take his life; but had been foiled. When he at last found that he had taken a dose that was sure to kill him, it said that he became very anxious to be relieved. But it was too late.

A suicidal mania prevails in Hartford Connecticut; no less than five cases of suicide occuring in that place in the space of twenty-four hours. One man poisoned himself with strychnine, two others shot themselves, and two woman jumped into the Conneticut river. The two last were rescued before life was extinct, and saved

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—Bishop Early has greatly recovered from the effects of his late injuries by the railroad accident, that on yesterday morning he took the train for his home in Lynchburg. He was the object of many personal attentions during the weeks he spent in this city with Wm. Gray, Esq., for which he returns his warm acknowledgments. We hope to hear of his safe arrival home.—*Rich. Enquirer*

—A murder, almost as tragical as the late Deering murder in Philadelphia, occurred in Orange County, Ind on the 19th inst. A man by the name of Saunders, having been indicted for the crime of arson, swore vengeance on a family who were to appear as witnesses against him, and succeeded in murdering every one of them—a father, mother, daughter and grandmother.

THE RACE OF THE TEA SHIPS.—The London tea merchants give each year a prize of $5,000 to the ship that brings the first new tea to England Of course there is great competition among the vessels, and this year no less than ten clippers are to start from Hong-Kong and race all the way to England. Last year the clipper ship Fiery Cross won the race She and the Taeping sailed from Hong-Kong around the Cape of Good Hope and into the English Channel side by side, when the wind failed, and the Fiery Cross, procuring a tug, beat her competitor a few hours, accomplishing the voyage in 89 days.

An English Counterfeiter of greenbacks has been arrested in Atlanta, Ga. He said that the bills were made at Nottingham, England, and that he, with nine accomplices, came here for the purpose of peddling them. Three are in New York, two in Boston, one in Nashville, and one unknown. He refused to describe them, or give any information against them. Considerable quantites of these counterfeit greenbacks are in circulation in Memphis They are so well executed that no suspicions were entertained by storekeepers until too late to discover the passer.

CONGRESSIONAL.

WASHINGTON, July 11.—The Senate passed a bill to extend for three years, the benefits of the law granting lands to Southern States for the establishment of agricultural colleges.

It also passed bills regulating the time and manner of holding elections for the U. S. Senators.

Among other provisions it requires that the vote shall be *viva voce*.

The Senate rejected, by a majority of four, the bill for the re-annexation of the city and county of Alexandria to the District of Columbia.

The House passed the joint resolution providing for the organization of the militia of the States and Territories in a uniform manner and for the distribution among them of two-thirds of the ordnance and ordnance stores, except the States lately in insurrection against the (self)-constituted national authorities.

The House also passed the bill granting the right of way to any telegraph company over the public domain.

WASHINGTON, July 14.—The Republican caucus to-night acted on the report of the committee appointed at the last meeting to examine into the state of public business so as to fix the time of adjournment. Some were in favor of adjourning as soon as the public business could be disposed of but the committee recommended that the day be not fixed at present. The caucus, however, by a vote of sixty to forty, adopted a resolution expressing the opinion that Congress could adjourn by Monday week.

Washington, July 13.—A letter from Secretary Welles has been made public, in which he unqualifiedly endorses the President's restoration policy. Messrs. Sewward, Welles, and McCulloch only will remain in the Cabinet. It is thought that Mr. Randall, the first assistant postmaster, will succeed Mr. Denison. *The Union* charges Secretary Harlan with writing a letter to *The Republican* in which he is said to have divulged a cabinet secret, and also advised the republicans to remain in cession to thwart the plans of the President. The article creates a sensation.

R. W. Tallaferro has been confirmed as deputy postmaster at New Orleans, and Green Clay Smith, of Kentucky, as Governor of Montana Territory.

The Niagara Ship canal bill has been postponed until December.

FIRE! FIRE!! FIRE!!!

Great Fire in New York.

New York, July 6.—All the buildings on the north side street, Cherry Valley, New York, were burned last night. Loss seventy-five to one hundred thousand dollars.

Rogers & Co.'s extensive manufacturing works, near Utica, N Y., were consumed on the 4th. Loss $200,000.

The Odd Fellows' Hall, the most massive and magnificent building in New Orleans, except the St. Charles Hotel, was burned on the 4th. the building, including the furniture, was valued at $300,000, insured for $95,000.

The New Haven Steamboat freight depot, N. Y., was destroyed, to gether with the steamer *Baltimore*, on the 5th; loss $250,000.

LARGE FIRE IN DANVILLE.

Danville, July 14.—At about 12 o'clock last night a fire broke out in the tobacco fretory of Messrs. William Ayres & Son and entirely consumed it, with all the fixtures and stock on hand. It is presumed to be the work of an incendiary.—Loss, $35,000, upon which there is an insurance of $30,000, mostly in New York and Hartford Companies.

Fire in Philadelphia.

PHILADELPHIA, July 12.—Brigg's print and dye works, including five buildings, and the Trenton railroad bridge over Frankfort creek, all in the 23rd ward, were consumed by fire this afternoon. Loss half a million dollars.

Fire at Laurensburg Indiana.

New York, July 6.—Twenty-one buildings were destroyed at Laurensburg, Indiana, on the 5th, involving a loss of one $100,000.

Twenty-one buildings at Lawrenceburg, Indiana, was consumed by fire on the 5th, involving a loss of one hundred thousand dollars.

—Two thousand houses were consumed by fire in Portland, Me., on the 4th inst. It is though that the fire originated from firecrackers thrown into some shavings by a boy,

—A large wooden building, in South Reading, Boston, owned and used for a store house tby he Boston and Maine Foundry Gompany, was burned on the 30th ult. Loss quite heavy.

—A fire occurred in Natches, Miss., on the 4th inst., completely destroying four stores. Loss $100,000.

☞ Early on Wednesday morning a fire took place at Utica, N. Y., causing a loss of $100,000, in property.

☞ The store house of Messrs. London & Swanny, on the Cape Fear was destroyed by fire Monday night.

☞ A fire at Dayton, Nevada, on Sunday, destroyed property worth $125,000.

LAWLESSNESS IN MISSOURI.—There is great disregard of law in some sections of Missouri, owing to the bitter feeling existing between the Union men and late Confederates, the latter being in many cases called to severe account. This leads to retaliation and deeds of blood.—In Charlton county recently, two men named Welch were killed in a quarrel, and no legal action having been taken, the relatives of the deceased determined to execute justice themselves, and proceeded to shoot two men named Garnett. The same day a Captain Henly was shot from the bush by some unknown person.

Two mulin stalks and a bunch of thistles are called a grove in the mining portions of Nebraska. A very shady country.

Important Decision of the Supreme court.—The case of Lackey, admr. *vs.* Miller, &c., decided at the recent term of the supreme court, has a specific interest about it in these times, and therefore I beg to submit a note of it for your readers.

The plaintiff, as administrator, on the 3rd of March, 1865, exposed to public sale a cow; and the defendant, Miller, purchased it, and, in accordance with the term of sale, gave a sealed note for it as follows

"$71 00. six months after date we or either of us promise to pay James Lackey, admr of Wm. Wray, dec'd., $71 in current bank money, for value received of him. March 3d, 1865."

On the trial before a magistrate in Cleavland county, judgment was given against the defendants for the full amount, and upon an appeal to the superior court, however, judgment was given for twenty dollars [$20,] with interest from the time that the note became due, upon the ground

The last and most ingenious device invented for the purpose of enabling the ladies to delude men by deceitful show is called a 'palpitator.' It is an artificial bosom, made with a steel frame, which encloses a bellows, operated by clock-work. The machinery gives that motion of the bosom which is intended to be looked upon as a gentle heaving motion about twenty times a minute The effect is said to be wonderful. The palpitator may be readly attached to that garmant worn to gile shape to the body while it gives support by the aid of drilling, whale-bones, eyelets, lacing, ect.

that $20 00 in specie was the value [it being left to the court to say this] of the note at the time.

The court [chief Justice Pearson giving the opinion] say that the note in question is not for specie dollors, but for bank money dotlars; that the proper action upon it is covenaut fo the damages sustained by a failnre to comply with its promise; that it not negotiable; and that the measure of damages is the valne of damages is the value of the amount of bank bills caled for, in United States coin.

Sentnel.

THE FOURTH OF JULY.—This day would have passed off quietly, but for the indiscretion of a few person, who were bent on creating a disturbance, it appears. In the morning a party spiked the cannon to prevent the firing of salutes; this created some excitement and the gun was again put in order. In the evening, after several shots had been fired, those who had charge of the gun were ordered to "cease firing" by a party who approached them in a menacing manner. An altercation occurred during which the gun was again spiked, though in an ineffectual manner, when the Sheriff arrived with a posse and succeded in cooling the ardor of the combatants. Later in the evening the old gun again commenced barking loudly and deeply, which continued at intervals until late at night.

Several of the spiking party were bound over to our next Superior Court.

Salem Press.

DEATH OF COL. JOHN W. CAMERON.—Colonel Cameron died at his residence in Richmond county, on the 29th inst., in the 52d year of his age, of affection of the liver. In his youthful days he was an inmate of the family of the late John C. Blum, of this place for the term of four years. He subseqnently graduated at the University of Chapel Hill, and chose the law as his profession. He also edited the North Carolina *Argus*, at Wadesboro' and at Fayetteville, with great ability, for several years, and was Councillor of the State to Gov. Vance and a member of the House of Commons of the late Legislature, from Richmoud county.—*Salem Press.*

BREACH OF PROMISE.—A widow of forty three summers, and the mother of four blooming children, two of whom are married, lately sued a gay deceiver" is an old man of seventy-six, the father af nine children, and the possessor of two farms. The parties live in Warren county, Ohio. The aged lover gave the fat and forty, if not fair widow several rides in his buggy, to church and other places, and told the lady that he might conclude to marry some day, and if he did, he thought she would be the woman. Upon this hint she acted, purchasing a wedding dress, and consulted a few particular female friends in regard to the wedding cake. At this stage, however, the old man crawfished—declined to fulfill the engagement—flatly denied that he ever intended to marry the lady To heal her lacerated feelings, she brought suit against the "perfidious old chap," and received $2,665, which made her happy.

Baltimore, June 22. 2 p. m—An immense gathering of the friends of President Johnson's Reconstruction policy, assembled on Monument Square. Gov. Swann presided, who, together with other prominent Maryland conservatives, delivered speeches

RUTHERFORDTON MARKETS.

CORRECTED WEEKLY. BY L. P. ERWIN

Bacon, per lb.	18 a 20 cts.
Butter, " "	20 "
Beeswax, "	25 "
Cotton, " "	20 "
Chickens, each	10 a 15 "
ggs, per doz.	10 "
Flour, per lb.,	8 a 10 "
Feathers, per lb.	40 "
Peas, per bu.	1 50 "
Rye, " "	1 50
Wheat, "	2 00
Tallow, per lb.	12

RALEIGH MONEY MARKET.

NORTH-CAROLINA BANK NOTES

Bank of Cape Fear,	25
" Charlotte,	14
" Commerce,	10
" Clarendon,	4
" Fayetteville,	7
" Lexington,	10
" Graham,	15
" North Carolina,	31
" Roxboro,	25
" Thomasville,	25
" Wadesboro,	12
" Wilmington,	11
" Washington,	4
" Yanceyville,	5
Commercial Bank of Wilmington,	12
Farmers' Bank of Greensboro,	15
Greensboro Mutual,	3
Merchants' Bank of Newbern,	30
Miners' and Planters' Bank,	15

DENTAL NOTIEC.

DR. B. H. PADGETT,

HAS made arrangements by which he expects to be in Rutherfordton on public days—especially Court weeks, Persons in the country desiring his services will please meet him there, as it will be to their comfort as well as his convenience. Terms cash.

Office in Mr. Burnett's Hotel.

July, 18th. no12-3m*

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[AT CARSON'S OLD STAND]

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Call and examine our prices, and we will ry to accommodate all,

J JONES

Rutherfordton, June 27th, 1866. no9-1

FIRM DISSOLVED.

THE Copartnership heretofore existing between Harris & Smith is dissolved by mutual consent. All Notes and Accounts are with Dr, J. W. Harris, early settlement is expected.

JOHN W. HARRIS, M. D.
THOS. C. SMITH, M, D.

ALL Persons indebted to me are requested to call and settle by Note or otherwise.

J. W. HARRIS M. D.

July 3, 1866, 3m.

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THE LIFE AND CAMPAIGNS OF
GEN. (STONEWALL) JACKSON.

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State of North Carolina.

RUTHERFORD COUNTY.

Equity Court, Spring Term, 1866.

John O. Waters, *et al.*, *vs* Sarah B. McIntire, *et al* } To sell Land.

NOTICE is hereby given to Sarah B. McIntire, Adaline, George, James, Julius, Thomas, John and Andrew Proctor who are non-residents of the State of North Carolina that they personally be and appear at the Court House in Rutherfordton, on the 3nd Monday in September next, then and there to plead, answer or demur to Plaintiffs petition, or in case of failure the same will be set for hearing *ex parte* as to them the said Defendants and heard accordingly.

Witness, L. B. Bryan, Clerk of court of Equity for Rutherford County, N. C., at Office in Rutherfordton the 3nd Monday in March A. D., 1866,

L. B, BRYAN, C, & M, E.

Rutherfordton 17th July, 1866.

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Its Strength and wonderful simplicity of construction renders it almost impossible to get out of order, and is guaranteed by the company to give entire satisfaction.

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May 30, 1866. 6m.

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Poetry.

ABOUT PRINTERS.

I wish I was a printer,
I really do, indeed;
It seems to me that printers
Get everything they need—
[Except money.]

They get the largest and the best
Of everything that grows,
And get free into circusses
And other kind of shows—
[By paying an equivalent.]

The biggest bug will speak to them,
No matter how they dress;
A shabby coat is nothing
If they own a printing press.
[Policy.]

At ladies' fair they're almost bugged
By pretty girls who know
That they will praise up everything
The ladies have to show.
[That's so.]

And thus they get a blow-out free
At every party feed,
And the reason is because they write,
And other people read.
[That's what's the matter.]

STAY LAW.

An ordinance to change the Jurisdiction of the Courts, and the rules of pleading therein.

SECTION 1. *Be it ordained by the people of North Carolina, in Convention assembled, and it is hereby ordained by authority of the same* that the jurisdiction of the several Courts of the State, and of Justices of the Peace, except as provided in this ordiance, shall be as in the year 1860.

SEC. 2. Be it further ordained, that the several superior courts of law, at the spring terms thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction to hear, try and determine all actions of debt, covenant, assumpsit or account, where the sum, due or owing, amounts (principal and interest) to sixty dollars or more.

SEC. 3. Be it further ordained, that all writs in debt, covenant, assumpsit or account shall be returnable to spring term and be served at least thirty days [Sundays included] before the return day. Within the first three days of the return term, should the defendant pay to the plaintiff, or into court to his use, one-tenth of the debt or demand (principal and interest) and all costs to that time, he shall be allowed until next spring term to plead. At the said spring term, should the defendant pay to the plaintiff, or into court to his use, one-half of the residue of the debt or demand, he shall be allowed until the succeeding spring term to plead. At the said spring term the plaintiff shall have judgment for the residue of his debt or demand: *Provided, however*, that the plaintiff, if required shall file his debt or demand in writing, and if the defendant shall make oath that the whole or any part thereof is not justly due, or that he has a counter claim, all of which shall be particularly set forth by affidavit, then the defendant shall only pay the instalment required, of what he admits to be due, and the court shall order a jury, at the same or some subsequent term, to try the matters in dispute between the parties, and at the next springs term the defendant shall be allowed time to plead only upon payment of one-fifth of the residue of the admitted amount, and whatever the jury may find him indebted over and above the same: *Provided, further*, that should the defendant fail to pay the first or any subsequent instalment, then and in that case the plaintiff shall be entitled to proceed to judgment and execution according to the course of the court in 1860.

SEC. 4. Be it further ordained, that all suits in actions of debt, covenant, assumpsit or account issued to fall term of the superior courts, shall be returned by the sheriffs to spring term, 1867, and all actions of debt, covenant, assumpsit or account, now pending in the superior court, shall be continued to spring term, and if the defendant has entered his pleas, he shall be allowed to withdraw the same, and take the benefits of section 3 of this ordinance.

SEC. 5. Be it further ordained, that dormant judgments shall only be revived by actions of debt, and every scire facias to revive a judgment shall be dismissed on motion: *Provided*, that those now issued shall be dismissed at the cost of the debtor.

SEC. 6. Be it further ordained, that the clerks of the several county courts shall transfer all actions of debt, covenant, assumpsit or account, now pending in their respective courts, to the spring term, 1867, of the superior courts, and the said spring term shall be deemed the return term thereof and the said actions shall stand as if originally instituted in that court.

SEC. 7. Be it further ordained, that the clerks of the several county courts, if requested so to do by the plaintiffs, sixty days before the spring terms, 1867, of the superior courts shall transmit to said spring terms certified copies of the judgments in actions of debt, covenants, assumpsit or account entered on the dockets of their courts, together with the writs of fieri facias or venditioni exponas issued thereon, and shall issue notices thereof to the defendants which notices shall be served at least thirty days before said superior courts. At the spring terms aforesaid, the courts shall on motion order the said judgments to be entered on the minute dockets, provided the same were not dormant when transmitted from the county courts and on such entries being made, the said judgments shall be taken and held to be judgments of the superior courts and writs of fieri facias venditioni exponas may issue, as provided in section 10 of this ordinance, following the writs transmitted from the county courts and preserving the liens, as if issued by the same court.

SEC. 8. Be it further ordained, that the sheriff in each county shall return all writs of fieri facias and venditioni exponas issued from the county court on judgments in actions of debt, covenant assumpsit or account to the next terms of said court, without sale, and shall return all writs of fi fa or venditioni exponas issued on similar judgments from the superior court or decrees of the court of Equity on money demand to spring term, 1867, without sale.

SEC. 9. Be it further ordained, that no writs of fi fa or venditioni exponas on judgments in actions of debt, covenants, assumpsit or account shall hereafter issue from the county courts, nor shall said writs on such judgments issue from or to the Fall terms of the superior courts, except in case where defendant fails to comply with the provisions of this ordinance, and is directed that plaintiff may proceed according to the regular course of the court.

SEC. 10. Be it further ordained, that no writs of fi fa or venditioni exponas on judgments in actions of debt, covenant, assumpsit or account, or decrees for money demands in Equity shall issue from spring term, 1867, without permission of court, and should the defendant within the first three days pay one-tenth of the judgment or decree and costs, then the writ shall be credited one-tenth, issued and immediately returned "Indulged;" *Provided*, No plaintiff shall be allowed to take the said one-tenth without first entering his assent to said return; *And provided further*, that such assent and return shall not prejudice any lien the plaintiff may then have by virtue of said fi fa or venditioni exponas: *Provided further*, that at spring term, 1868, the defendant upon paying one-fifth the residue of the judgment or decree and costs shall have indulgence in like manner.

SEC. 11. Be it further ordained, that upon all warrants before Justices of the Peace for a demand (principal and interest) of $25 or less, should the defendant pay one-fifth to the plaintiff or to the collecting officer for his use, he shall be allowed six months to plead, and at the expiration of said six months, should he pay as aforesaid one-half of the residue, he shall be allowed six months more to plead, and at the expiration of said six months plaintiff shall have judgment and execution for the residue. Upon demands (principal and interest) of less than $60 and more than $25, the defendant shall be allowed twelve months instead of six, on each payment: *Provided*, that the plaintiff shall file his claim in writing, and if the defendant, on oath, shall deny the same, or present a counter claim, the Justice shall proceed to try the same. Upon judgment, the defendant shall be allowed a stay of execution for six or twelve months, as the case may be upon paying one-fifth, and afterwards one-half as before judgment: *Provided*, that all Justices' judgments for $60 or more, not dormant, shall be transmitted, together with the warrant or other papers, by the Justice to spring term, 1867, of the superior court, and notice thereof shall be given the defendant at least twenty days before court; and to the superior court the same proceedings shall be had as on judgments from the county court, according to section 7 of this ordinance.

SEC. 12. Be it further ordained, that all writs of *scire facias* to subject land, issued from the superior or county courts upon judgments in actions of debt, covenant, assumpsit or account, shall be returned to spring term, 1867 of the superior courts, and should the tenth, fifth and half of the Judgments be paid from spring term to spring term, time to plead shall be allowed according to section 3 of this ordinance.

SEC. 13. Be it further ordained, that this ordinance shall not apply to judgments for costs only.

SEC. 14. Be it further ordained, that this ordinance shall not apply to the remedies for the collection of town, county or state Revenue.

SEC. 15. Be it further ordained, that this ordinance shall not apply to proceedings by attachment, unless the defendant replevy and give bail, and then and in that case the proceedings shall be subject to the provisions of this ordinance as if commenced by writ or warrant.

SEC. 16. Be it further ordained, that where the action is by or on behalf of infants, idiots or lunatics at the return term, and the interest exceeds one-tenth, the first payment shall be increased to the amount of interest due, not to exceed one-fifth of the whole debt.

SEC. 17. Be it further ordained, that the provisions of this ordinance shall not be construed to extend to any debts or demands contracted, or penalties incurred, since the first day of May, A. D., 1865, or which may hereafter be contracted, or incurred, but that the remedies for the recovery of the same shall be in all respects similar to the remedies for the recovery of debts which were in force in the year 1860.

SEC. 18. Be it further ordained, that any creditor, attempted to be defrauded as set forth in sec. 1, chapter 50, Revised Code may without obtaining judgment at law, file his bill in Equity, and said court is hereby authorized and empowered to direct proper issues to be made up and tried, and to make such orders and decrees as to right and justice may appertain; and said proceedings shall not affect the creditor's right to proceed at the same time at law; and any surety, before paying the debt of his principal thus attempting to defraud his creditors, may institute proceedings in equity, in like manner, to the end that he may obtain relief.

SEC. 19. Be it further ordained, that every executor or administrator shall file, on oath, at the termination of two years from the time of his qualification, a full statement of his receipts and disbursements, and the condition of the assets, particularly setting out all money collected and how disbursed and on motion the court may allow further time to settle the estate, from year to year, not exceeding three years: *Provided*, that on each motion to extend the time, a supplemental statement shall be filed: *Provided*, that any creditor or next of kin may oppose said motion, and if the statement is not full and fair, the interrogatories which the executors or administrators shall answer, before dismotion for time is allowed: *Provided further*, that the court may also extend the time for pleading: *Provided further*, that all executors or administrators, who have heretofore qualified, shall be allowed until the county court next after the first of January, 1867, to file their statement.

SEC. 20. Be it further ordained, that all acts, and parts of acts, suspending the operation of the statutes of limitation in the Revised Code, are hereby repealed, except as herein provided: Provided, that the time elapsed since the first day of September, 1861, barring actions or abandonment of rights shall not be counted: And provided further, that nothing contained in the ordinance, or in the acts hereby repealed, shall be so construed as to prevent judgments from becoming dormant.

SEC. 21. Be it further ordained, that any sheriff, clerk or other officer, failing to execute any of the provisions of this ordinance, when the execution thereof devolves on him, or issuing receiving, or executing any process whatever contrary to the provision of this ordinance, shall be subject to a penalty of five hundred dollars, to be recovered by rule of court, as penalties and fines were recovered in 1860.

SEC. 22. Be it further ordained, that in all actions brought by any bank or other corporation having exercised banking privileges or by any assignee or endorsee, or officer of said bank or corporation, it shall be lawful for the defendant to set off by plea or on trial any note or certificate of deposit issued by said bank or its branches, or other corporations, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding, but said plea of set off, or set off on trial, shall not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit brought: Provided, that should the defendant require the debt to be scaled according to the scale of depreciation of Confederate currency, then and in that case the said notes or certificates of deposit shall not be a set off in any manner.

SEC. 23. Be it further ordained, that "An act to change the jurisdiction of the courts and the rules of pleading," ratified the 11th day of September, 1851; an act entitled "An act to restore the courts and for other purposes," ratified the 14th December, 1863; also an act entitled "An act to change the jurisdiction of the courts and the rules of pleading therein," ratified the 10th of March, A. D., 1866, and all laws in conflict with this ordinance, be and the same are hereby repealed.

SEC. 24. Be it further ordained, that the General Assembly shall have no power to repeal, alter or modify this ordinance until the third Monday of November, 1868, and this ordinance shall take effect and be in force from and after its ratification.

Adopted by the convention, June 21, 1866.

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